

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: NATIONAL FOOTBALL LEAGUE : No. 2:12-md-02323-AB  
PLAYERS' CONCUSSION INJURY :  
LITIGATION : MDL No. 2323

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THIS DOCUMENT RELATES TO: : Hon. Anita B. Brody

ALL ACTIONS :  
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**FIFTH OPT OUT REPORT  
SUBMITTED BY THE CLAIMS ADMINISTRATOR**

BrownGreer PLC (“BrownGreer”), the Claims Administrator under the proposed Class Action Settlement Agreement (“Settlement Agreement”) in this matter, submits this Fifth Opt Out Report to supplement its four previously filed Opt Out Reports:

**1. Previous Opt Out Reports by the Claims Administrator.** The Claims Administrator has submitted four Opt Out Reports to apprise the Court, the Parties to the Settlement Agreement, the Settlement Class and other interested persons of the number and characteristics of the Opt Out requests received:

- (a) First Opt Out Report, filed November 3, 2014 (Document 6340);
- (b) Second Opt Out Report, filed November 13, 2014 (Document 6424);
- (c) Third Opt Out Report, filed November 18, 2014 (Document 6438); and
- (d) Fourth Opt Out Report, filed December 12, 2014 (Document 6465).

As of the Fourth Opt Out Report, there were 221 Opt Out requests that appeared to be timely and nine that seemed to be untimely.

**2. Summary of Developments Since the Fourth Opt Out Report.** After the Fourth Opt Out Report, the Parties to the Settlement Agreement agreed to grant revocation requests made by ten Class Members who had submitted timely Opt Outs and we received an additional Opt Out request that appears to be untimely. These developments are explained more fully in Paragraph 3 below. Exhibit 1 to this Fifth Report identifies the 211 Opt Out requests that appear to be timely after these developments. Exhibit 2 lists the 10 Opt Out requests that appear to be untimely. This table summarizes the two Exhibits and the Opt Out statistics as of the date of this Fifth Opt Out Report:

<b>OPT-OUT REQUESTS: SUMMARY OF FOURTH REPORT</b>		
<b>A. TIMELY OPT OUT REQUESTS (See Exhibit 1)</b>		
<b>1.</b>	<b>Retired NFL Football Players</b>	191
<b>2.</b>	<b>Relatives of a Retired NFL Football Player</b>	20
<b>3.</b>	<b>TOTAL</b>	211
<b>B. UNTIMELY OPT-OUT REQUESTS (See Exhibit 2)</b>		
<b>4.</b>	<b>Retired NFL Football Players</b>	9
<b>5.</b>	<b>Relative of a Retired NFL Football Player</b>	1
<b>6.</b>	<b>TOTAL</b>	10

**3. Details on Developments Since the Fourth Opt Out Report.** We provide this detail on these developments:

- (a) Revocation Requests of Individual Retired NFL Football Players: Since the Fourth Opt Out Report, we received and the Parties to the Settlement Agreement agreed to grant revocation requests made by six individuals who had timely Opt Outs:
  - (1) Joseph DeLamielluer (# 55 in Exhibit 1 to the Fourth Opt Out Report);
  - (2) Bernard Ford (# 68 in Exhibit 1 to the Fourth Opt Out Report);
  - (3) Raymond E. Griffin (# 77 in Exhibit 1 to the Fourth Opt Out Report);
  - (4) Marcus Hill (# 87 in Exhibit 1 to the Fourth Opt Out Report);
  - (5) Robbie Martin (# 118 in Exhibit 1 to the Fourth Opt Out Report); and

(6) Vernon Maxwell (# 120 in Exhibit 1 to the Fourth Opt Out Report).

We no longer count these six persons as Opt Outs and we have removed their names from Exhibit 1.

- (b) Revocation Requests by Chelsea Oliver: On December 23, 2014, the attorney for Chelsea Oliver sent to the Claims Administrator's email inbox a request to revoke previous Opt Outs from Ms. Oliver. Ms. Oliver had submitted a timely Opt Out request on her own behalf (#210 in Exhibit 1 to the Fourth Opt Out Report). In her capacity as the legal representative of the estate of her deceased husband, Paul Oliver Ms. Oliver requested to exclude her husband's estate (#137 in Exhibit 1 to the Fourth Opt Out Report). Additionally, in her capacity as the legal guardian of her and her deceased husband's two minor children, Ms. Oliver chose to exclude both children, Silas Oliver (#211 in Exhibit 1 to the Fourth Opt Out Report) and Simeon Oliver (#212 in Exhibit 1 to the Fourth Opt Out Report). Her request to revoke her previous Opt Outs encompassed her Opt Out and those for the estate of her deceased husband and their two minor children. The Parties to the Settlement Agreement agreed to grant all four revocation requests. As a result, we no longer count the estate of Paul Oliver, Chelsea Oliver, Silas Oliver or Simeon Oliver as Opt Outs and we have removed their names from Exhibit 1.
- (c) Untimely Opt Out from Reginald Berry: On January 13, 2015, Class Counsel forwarded to us an email from the law firm representing Reginald Berry, a Retired NFL Football Player. Mr. Berry's attorney included a copy of an Opt Out request by Mr. Berry dated October 10, 2014, and stated that Mr. Berry thought he had submitted the request before the October 14, 2014 Opt Out deadline but in fact had not done so. We had not received any attempted Opt Out from Mr. Berry or his counsel before that January 13, 2015 email. There was no evidence of mailing or any postmark of a mailing before the October 14, 2014 Opt Out deadline. Because he submitted his Opt Out request after the October 14, 2014 Opt Out deadline, it is untimely and appears on Exhibit 2 to this Fifth Opt Out Report.

There have been no further developments regarding the other Opt Out requests identified in the Fourth Opt Out Report.

Respectfully submitted,

**CLAIMS ADMINISTRATOR**

By: /s/ Orran L. Brown

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Date: February 17, 2015

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that the foregoing Fourth Opt Out Report was filed electronically this 17<sup>th</sup> day of February, 2015, and was served electronically upon Class Counsel, counsel for the NFL Parties and all counsel of record by the United States District Court for the Eastern District of Pennsylvania's electronic filing system.

/s/ Orran L. Brown

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